

SUPPORT FOR THE AMENDMENTS

Newly-added Claims 77-88 are supported by the specification and the original claims. In particular, it is clear from the specification that the test device does not contain the skin cosmetic or skin care product. In particular, this feature is shown in paragraph 44 (bridging pages 11 and 12 of the specification) and Figure 9, where the test device is separate from the skin cosmetic or skin care product. Accordingly, no new matter is believed to have been added to the present application by the amendments submitted above.

REMARKS

Claims 77-88 are pending, upon entry of the amendment submitted above. Favorable reconsideration is respectfully requested.

Applicants would like to thank Examiner Hughes and Examiner Marschel for the helpful and courteous discussion held with their representative on January 25, 2008.

During the discussion, the subject matter of Claim 77 was discussed to address the outstanding new matter rejection. All present at the discussion agreed that the specification describes that the test device does not contain the skin cosmetic or skin care product this feature, in particular by Figure 9. In that figure, the test device is separate from the skin cosmetic or skin care product. The corresponding description in the specification was also discussed.

The patentability of the claimed cosmetic or care product system over the Porter et al. references cited in the previous Office Action. It was noted that the test device is not separate from the skin cosmetic or skin care product in those references.

In view of the foregoing, Applicants respectfully submit that the rejection under 35 U.S.C. §112, first paragraph, is moot in view of the amendments submitted above. The specification describes the test system recited in the pending claims. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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